

UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

DAVID COUTTS; SARAH COUTTS,

No. C 10-05877 LB

Plaintiffs,

ORDER RE: NOVEMBER 8, 2011
SETTLEMENT CONFERENCE

v.

SUBARU OF AMERICA INC,

Defendant.

On August 15, 2011, the above-captioned matter was referred to this court for a settlement conference. ECF No. 25.¹ On August 22, 2011, the court issued its notice and order regarding the settlement conference, which was scheduled for November 8, 2011. ECF No. 27. The order directs the plaintiff to make a settlement demand fourteen days before the settlement conference and the defendant to respond if no there have been no prior settlement discussions. *Id.* at 4. The parties appear to have engaged in prior settlement discussions and may have already engaged in this process, but the exact terms and current situation are not clearly set forth in the parties' settlement conference statements. The court therefore ORDERS Plaintiffs to make a settlement demand by 5:00 p.m. on Friday, November 4, 2011. Defendant should respond by 5:00 p.m. on Monday, November 7, 2011, and inform the court of the demand and response by 6:00 p.m. that day. Defendant may email the court this information at lbpo@cand.uscourts.gov.

¹ Citations are to the Electronic Case File ("ECF") with pin cites to the electronic page number at the top of the document, not the pages at the bottom.

1 In addition, on November 1, 2011, Plaintiffs filed an administrative motion that asks the court to
2 allow Ms. Coutts to appear telephonically at the settlement conference so she could take care of
3 Plaintiffs' child. ECF No. 28. In its settlement conference statement that it served on Plaintiffs,
4 Defendant opposed this request. Upon consideration of the parties' arguments, the court believes
5 that it is in the best interest of everyone that Ms. Coutts appear in person at the settlement
6 conference.² Therefore, subject to the Plaintiffs' counsel's update to the court regarding Plaintiffs'
7 child's health (as discussed between Plaintiffs' counsel and the court via telephone), Plaintiffs'
8 administrative motion is DENIED.

9 This disposes of ECF No. 28.

10 **IT IS SO ORDERED.**

11 Dated: November 3, 2011

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13 LAUREL BEELER
14 United States Magistrate Judge
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27 ² Based on past experience, the court has observed that settlement conferences are much
28 more successful when all parties are physically present. Moreover, the court certainly has no
objection to Ms. Coutts bringing Plaintiffs' child to the settlement conference, as the courtroom, its
adjacent conference rooms, and the court's chambers are safe, quiet, and comfortable.